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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

DEC 8 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Policies and Rules Implementing) CC Docket No. 93-22
the Telephone Disclosure and) RM-7990
Dispute Resolution Act)

U S WEST COMMUNICATIONS, INC., REPLY TO
COMMENTS ON PETITIONS FOR RECONSIDERATION

I. INFORMATION SERVICES BLOCKING

U S WEST Communications, Inc. ("U S WEST"), herein opposes the American Telephone and Telegraph Company ("AT&T") argument that Southwestern Bell Telephone's ("SWBT") Petition for Reconsideration¹ regarding the need for federal tariffing be rejected out of hand.² SWBT's position is that federal tariffing for 900 Information Services blocking is unnecessary in those circumstances where the existing state tariffs either meet or exceed (or can be amended to accomplish the same) the Federal Communications Commission's ("Commission") requirements with regard to blocking. SWBT argues that, in such a situation, a local exchange carrier ("LEC") should be allowed the flexibility of filing in either the state tariff only or both state and

¹Southwestern Bell Telephone Company Petition for Reconsideration filed herein Sept. 24, 1993 ("SWBT PFR").

²See AT&T Opposition filed herein Nov. 23, 1993, at 4-5.

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federal tariffs.³ As SWBT stated, a joint tariffing requirement to accomplish the same end result is redundant,⁴ and simply results in "'make work'" activities for the LECs involved,⁵ diverting resources from other more pressing and substantial matters.

The Commission should reconsider its conclusion that federal tariffing "will enhance [the Commission's] ability to enforce the requirements of the TDDRA [Telephone Disclosure and Dispute Resolution Act]."⁶ The instant proceeding did not demonstrate any need to "enhance" the Commission's enforcement responsibilities, as the proceeding demonstrated no existing problem with regard to 900 blocking. The docket in general did not demonstrate any "problem" with the state of blocking capabilities, as they are currently made available to customers. It merely reflected a need to incorporate into some kind of rule-making structure the Congressional TDDRA requirements regarding the manner and means by which blocking was accomplished.

The Commission could establish a federal blocking "rule" (which would establish the parameters associated with blocking)

³U S WEST encourages the Commission to waive the current federal tariffing requirements until it has resolved this matter on reconsideration.

⁴See SWBT PFR at 2-3.

⁵Id. at 2 (such as the creation of new methods and procedures; new billing and accounting procedures, etc.).

⁶In the Matter of Policies and Rules Implementing the Telephone Disclosure and Dispute Resolution Act, Report and Order, 8 FCC Rcd. 6885, 6896 ¶ 61 (1993) ("Report and Order"). See also id. at 6896 ¶ 59.

and require LEC compliance with the federal rule. That rule could, however, allow the LECs to file the blocking provisions in either state or federal tariffs (or both) at the LECs' discretion. The Commission's enforcement authority/capability would not be compromised by such a position. U S WEST urges the Commission to adopt such a regulatory enforcement model, rather than one compelling the filing of federal tariffs.

II. USE OF 800 NUMBERS IN CONJUNCTION WITH PAY-PER-CALL SERVICES

U S WEST supports the Petition for Limited Reconsideration filed by MCI Telecommunications Corporation ("MCI"),⁷ and supported by Sprint Communications Company, L.P. ("Sprint"),⁸ which argues that the currently-articulated 47 CFR Section 64.1510(b) is unnecessary to achieve the goals of the TDDRA. That Rule would apply certain warning and bill separation requirements on pay-per-call services accessed only after a presubscription arrangement has been accomplished. Such requirements are contrary to Congressional intent and are unnecessary to protect any bona fide consumer or public interest.

In those cases where a customer has presubscribed to an information service and accesses that service through, for example, a toll-free 800 prefix, all necessary "warnings" have been communicated to the customer during the course of

⁷MCI Petition for Limited Reconsideration filed herein Sep. 24, 1993 ("MCI PFLR").

⁸Comments of Sprint filed herein Nov. 23, 1993 ("Sprint").

establishing the predicate presubscribed relationship.⁹ Just as the Commission has found that Congressional intent does not require a preamble for presubscribed pay-per-call services,¹⁰ it should similarly find that no special billing treatment is required.

If the Commission declines to eliminate the requirement, then it should clarify what is meant by the term "to the extent possible." U S WEST does not currently have the capability to determine an 800 pay-per-call from one that is not. Thus, it would be impossible for us to comply with this portion of the Commission's Rules, at this time.

That is not to say that it could never be possible, however. Work would have to be done in negotiations with carriers to create a capability such that we would know when an 800 call was a pay-per-call and when it was, for example, a remote access interexchange call. Billing systems would then have to be redesigned to allow the ultimate billing to incorporate the fruits of the negotiations. As MCI and Sprint have both pointed out, such work would involve costs.¹¹ And, from U S WEST's perspective there are no corresponding benefits. The Commission

⁹Compare 47 CFR § 64.1501(b) (outlining what is necessary to accomplish a presubscribed or comparable relationship for pay-per-call purposes; and requiring the pay-per-call services provider to disclose "all material terms and conditions associated with the use of the service"). And see MCI PFLR at 1-3; Sprint at 2.

¹⁰See Report and Order at 6891 ¶ 34.

¹¹See MCI PFLR at 3; Sprint at 2.

should eliminate 47 CFR Section 64.1510(b) from the federal rules.

III. CONCLUSION

U S WEST supports the Commission's reconsideration of its federal tariffing mandate regarding 900 blocking, such that LECs would be accorded the flexibility to determine the most appropriate forum(s) for such tariff filings. We also support the elimination of current 47 CFR Section 64.1510(b).

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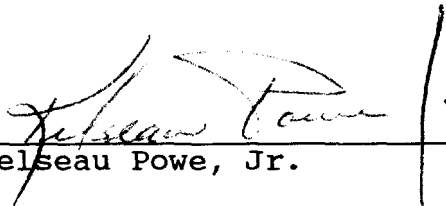
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December 8, 1993

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 8th day of December, 1993, I have caused a copy of the foregoing **U S WEST COMMUNICATIONS, INC., REPLY TO COMMENTS ON PETITIONS FOR RECONSIDERATION** be served via first-class United States Mail, postage prepaid, upon the persons listed on the attached service list.



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